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THE STATE OF NEW YORK and THE STATE OF
NEW JERSEY,

Plaintiffs,

-v-

THE UNITED STATES DEPARTMENT OF THE
TREASURY and THE INTERNAL REVENUE
SERVICE,

Defendants.

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19-CV-4024 (JMF)

ORDER

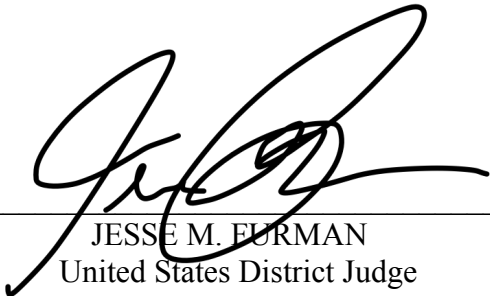
Upon review of the parties’ motion papers and relevant case law, the Court is inclined to conclude that it should set a production schedule that lies somewhere between Plaintiffs’ unrealistic proposal for a ninety-day deadline and Defendants’ proposal that the Court do nothing. *See, e.g., Colbert v. Federal Bureau of Investigation*, 2018 WL 6299966, at *3 (D.D.C., 2018) (“Courts have broad discretion to determine a reasonable processing rate for a FOIA request.”). Additionally, in view of the overall length of the production schedule (to date and going forward), the Court is inclined to conclude that it should require production of a *Vaughn* Index on a rolling basis (and, relatedly, that it should deny Plaintiffs’ challenge to Defendants’ invocation of applicable privileges as premature).

To discuss these issues and, if appropriate, set a production schedule, the parties shall appear for a conference with the Court on **December 11, 2019**, at **10:00 a.m.**, in **Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, NY 10007. **Further,**

no later than December 3, 2019, the parties shall meet and confer in person for at least one hour to discuss a possible production schedule and to discuss other options for expediting Defendants' review and production, including but not limited to (1) narrowing Plaintiffs' requests; (2) agreeing to forego or delay agency review of certain categories of documents most likely to be exempt from production; and (3) identification of information or materials that Plaintiffs are most interested in for more immediate review. **Finally, no later than December 5, 2019**, the parties shall file a letter informing the Court of their positions on these issues and the status of Defendants' production as of that date.

SO ORDERED.

Dated: November 22, 2019
New York, New York



JESSE M. FURMAN
United States District Judge